IN THE HIGH COURT OF BOMBAY AT GOA.

CIVIL REVISION APPLICATION NO. 53 OF 2002.

1. M/s. Dolphin Adventures Sports Ltd., a Company registered under the Companies Act, 1958 having its registered office at F-10, Shanti Nagar Co-operative Industrial Estate, Vakola, Santa Cruz (East), Mumbai, having office at Hawaii Beach, Dona Paula, represented by its Director Mr. Malcolm Coelho, r/at Caranzalem, Panaji.
2. Mr. Malcolm Coelho, Managing Director, r/at Caranzalem, Panaji. ... Applicants.

Versus

1. Mr. Augusto Casmiro de Sequeira Nazareth, r/at Miramar, Panaji.
2. Mrs. Elba de Sequeira Nazareth, r/at Miramar, Panaji.
3. Mr. Oscar D'Souza, r/at 59, Camarcazana, Mapusa.
4. Mrs. Marlene D'Souza, r/at 59, Camarcazana, Mapusa. ... Respondents.

Mr. S.G. Dessai, Senior Advocate with Mr. M. Shirodkar, Advocate for the Applicants.

Mr. M.B. D'Costa with Mr. J. Lobo, Advocates for the Respondents 1 and 2.

Coram: P.V. HARDAS, J.

Date: 10th October 2002.

ORAL JUDGMENT.

This Civil Revision Application has been filed by the applicants, who are the original defendants, against the Order of the IInd Additional District Judge, Panaji, dated 6th December 2001, whereby the learned

lower appellate Court had partly allowed the appeal filed by the present respondents by quashing the Order of the learned Civil Judge, Junior Division, Panaji, dated 2nd February 2001. The learned lower appellate Court while partly allowing the appeal had directed the defendants (applicants herein), their servants and agents to maintain status quo in respect of the suit property by not cutting further any trees therefrom and by not putting up any constructions therein without the consent of the plaintiffs (respondents herein) until the final disposal of the suit. The learned trial Court by its Order dated 2nd February 2001, in Civil Miscellaneous Application No. 320/2000/C arising in Regular Civil Suit No. 406/2000/C had dismissed the application for temporary injunction filed by the plaintiffs against the defendants. Against the aforesaid Order the respondents/plaintiffs had filed Miscellaneous Civil Appeal before the learned lower appellate Court.

2. The learned counsel for the parties fairly submitted before me that in view of the Judgment of the learned Single Judge of this Court in Civil Revision Application No. 803 of 1996, dated 29th August 2002, in **Nagorao alias Arun s/o Narayan Yerawar and others v. Narayan s/o Nagan Yerawar and another**, the present revision is not maintainable.

3. The Civil Revision Application is, accordingly, dismissed as not maintainable.

(P.V. HARDAS)
JUDGE.

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